

AMENDED IN ASSEMBLY SEPTEMBER 2, 2003

**SENATE BILL**

**No. 247**

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**Introduced by Senator Murray**

February 14, 2003

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An act to amend Section 1808.25 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 247, as amended, Murray. Vehicles: residence addresses.

(1) Existing law requires the Department of Motor Vehicles, until January 1, 2004, to implement a pilot program to provide residence address information to an accredited degree-granting nonprofit independent institution of higher education incorporated in the state that operates pursuant to a memorandum of understanding that permits a security officer of that institution to have arrest powers, if, under penalty of perjury, the institution requests the address solely for the purposes of enforcing parking restrictions. Under the pilot program, a participating institution is required to enter into a contractual agreement with the department requiring the institution to establish and maintain procedures for persons to contest parking violation notices issued by the institution and to remit fees to cover the department's costs of providing each address to the institution. Existing law requires the department to submit a report to the Legislature containing its evaluation of the pilot program on or before January 1, 2003.

This bill would delete the designation of the program as a pilot program, the specified reporting requirement, and the specified repeal date. *The bill would require the memorandum of understanding to include a requirement, that the institution establish and maintain a system that ensures that confidential information obtained from the*

*department is used solely for the purposes of enforcing parking restrictions.*

Because perjury is a crime, the bill would impose a state-mandated local program by expanding the scope of that crime.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 1808.25 of the Vehicle Code is amended  
2 to read:

3 1808.25. (a) The department shall implement a program to  
4 provide residence address information to an accredited  
5 degree-granting nonprofit independent institution of higher  
6 education incorporated in the state, that has concluded a  
7 memorandum of understanding pursuant to subdivision (b) of  
8 Section 830.7 of the Penal Code if, under penalty of perjury, the  
9 institution requests and uses the information solely for the purpose  
10 of enforcing parking restrictions.

11 (b) The memorandum of understanding executed by the sheriff  
12 or chief of police within whose jurisdiction the independent  
13 institution is located shall expressly permit the institution to  
14 enforce parking restrictions pursuant to subdivision (b) of Section  
15 830.7 of the Penal Code. For the purposes of this subdivision, a  
16 participating institution shall enter into a contractual agreement  
17 with the department that, at a minimum, requires the institution to  
18 do all of the following:

19 (1) Establish and maintain procedures, to the satisfaction of the  
20 department, for persons to contest parking violation notices issued  
21 by the institution.

22 (2) Remit a fee, as determined by the department, to cover the  
23 department's costs of providing each address to the institution.

24 (3) Agree that access to confidential residence address  
25 information from the department's vehicle registration database

1 will be provided only through an approved commercial requester  
2 account.

3 *(4) Establish and maintain a system that ensures that*  
4 *confidential address information obtained from the department is*  
5 *used solely for the purpose specified in subdivision (a).*

6 (c) The director may terminate a contract authorized by  
7 subdivision (b) at any time the department determines that the  
8 independent institution of higher education fails to maintain  
9 adequate safeguards to ensure that the operation of the program  
10 does not adversely affect those individuals whose records are  
11 maintained in the department's files, or that the information is used  
12 for any purpose other than that specified in subdivision (a).

13 (d) Sections 1808.45, 1808.46, and 1808.47 are applicable to  
14 persons who obtain department records pursuant to this section  
15 and the department may pursue any appropriate civil or criminal  
16 action against any individual at an independent institution who  
17 violates the provisions of this section.

18 (e) For purposes of this article only, any confidential  
19 information obtained from the department for administration or  
20 enforcement of this article shall be held confidential, except to the  
21 extent necessary for the enforcement of parking restrictions, and  
22 may not be used for any purpose other than the administration or  
23 enforcement of parking restrictions.

24 SEC. 2. No reimbursement is required by this act pursuant to  
25 Section 6 of Article XIII B of the California Constitution because  
26 the only costs that may be incurred by a local agency or school  
27 district will be incurred because this act creates a new crime or  
28 infraction, eliminates a crime or infraction, or changes the penalty  
29 for a crime or infraction, within the meaning of Section 17556 of  
30 the Government Code, or changes the definition of a crime within  
31 the meaning of Section 6 of Article XIII B of the California  
32 Constitution.

